



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

run with great care and under the engineman's control, and a special bulletin, issued to all engineers some time before the accident, was to the effect that the engineman was not relieved of all responsibility because the white switch signal was shown, and that he could not necessarily assume that the track was clear, but should run carefully and under control, so as to prevent accident if the track was obstructed, and that the engineman should follow the rule referred to and keep his train under control when within the yard limits. Decedent, an engineman, was killed by running his engine into an open switch and colliding with a switch engine, the switch having been left open through mistake, and it appeared that the engine was not under control at the time but was moving at a high rate of speed, and that decedent could have distinguished the color of the switch light at from 85 to 90 yards on approaching the switch. Held, that decedent was negligent in violating the company's rules, so as to prevent recovery for his death.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. § 752; Dec. Dig. § 240.* 9 Va.-W. Va. Enc. Dig. 710, 713.]

4. Master and Servant (§ 240*)—Injuries to Servant—Contributory Negligence.—Where a railroad company's rules provided that a signal imperfectly displayed, or the absence of a signal at a place where it was usually shown, should be regarded as a stop signal, if an engineman did not see a danger signal at a switch stand or it was imperfectly displayed, he was bound to stop and was negligent if he failed to do so, so as to prevent recovery for his death resulting from collision.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. § 752; Dec. Dig. § 240.* 9 Va.-W. Va. Enc. Dig. 710, 713.]

Error to Circuit Court, Nottoway County.

Action by Pond's administratrix against the Norfolk & Western Railway Company. Judgment for defendant, and plaintiff brings error. Affirmed.

R. G. Southall and Coke & Pickrell, for plaintiff in error.

F. S. Kirkpatrick and Marshall McCormick, for defendant in error.

CONRAD v. QUINN et al.

Jan. 12, 1911.

[69 S. E. 952.]

Wills (§ 594*)—Construction—Estate Given.—Under a will directing the residue of the estate to be divided equally between testator's three daughters, M., E., and S. (of whom M. was married and had

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

children, and E. and S. were unmarried), to be held in trust, however, the trustee to pay over the income to them as long as they live, and, in the event of the death of M., her portion of the estate to go to her children, and in the event of E. or S., or both, "dying without issue," her or their portion of the estate to be distributed between testator's sons, S. does not take a trust estate in fee subject to be defeated only by her dying without issue, but a life estate, with remainder to any issue living at her death, or in the absence thereof to her brothers.

[Ed. Note.—For other cases, see Wills, Cent. Dig. §§ 1310-1318; Dec. Dig. § 594.* 11 Va.-W. Va. Enc. Dig. 833.]

Appeal from Chancery Court of Richmond.

Suit by W. S. Conrad, individually and as trustee, against Sally M. Quinn and others. From the decree, appeal is taken. Affirmed.

Henry R. Miller, for appellant.

A. B. Guigon and *R. E. Peyton, Jr.*, for appellees.

JONES v. COMMONWEALTH.

PERKINS v. SAME.

Jan. 12, 1911.

[69 S. E. 953.]

1. Criminal Law (§ 126*)—Change of Venue—Homicide—Local Prejudice.—Where one of those accused of a homicide was taken from the custody of the deputy sheriff, who had arrested him without a warrant, by a mob, which nearly killed him in attempting to extort a confession, and citizens occupying responsible official positions had refused to answer questions concerning this affair on the ground of self-incrimination, though maintaining that accused could receive a fair trial, and newspapers published intemperate editorials demanding conviction, the state of feeling was such that the situation would not have been relieved by importing a jury from another county, and a change of venue should have been granted.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. § 243; Dec. Dig. § 126.* 2 Va.-W. Va. Enc. Dig. 781, et seq.]

2. Witnesses (§ 366*)—Testimony of Accomplice—Impeachment—Competency.—In a prosecution for murder, evidence offered by defendant that, when the state's attorney sent one of its witnesses to testify before the grand jury, he told such witness that he would never ask a jury to convict on his testimony, was admissible to affect

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.